

1 LUCAS J. GAFFNEY, ESQ.
 Nevada Bar No. 12373
 2 ORONOZ & ERICSSON, LLC
 700 South Third Street
 3 Las Vegas, Nevada 89101
 Telephone: (702) 878-2889
 4 Facsimile: (702) 522-1542
 luke@oronozlawyers.com
 5 Attorney for Lamalskiou Lowe

6
 7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
 10
 Plaintiff,
 11
 vs.
 12 LAMALSKIYOU LOWE,
 13
 Defendant.

CASE NO.: 2:14-cr-0004-JAD-VCF

**STIPULATION TO CONTINUE
 SENTENCING**

(FIRST REQUEST)

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant LAMALSKIYOU
 16 LOWE, by and through his attorney, LUCAS J. GAFFNEY, ESQ., and the United States of
 17 America, by and through LISA CARTIER-GIROUX, Assistant United States Attorney, that
 18 the sentencing hearing currently scheduled for May 18, 2015 at the hour of 1:30 p.m. be
 19 vacated and continued at least 30 days to a date and time which is convenient to this
 20 Honorable Court. The request for a continuance is based upon the following:

- 21
- 22 1. The additional time requested by this Stipulation to Continue Sentencing Hearing is
 23 reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may,
 for good cause, change any time limits prescribed in this rule."
 - 24 2. Defense counsel needs additional time to gather information pertinent to sentencing
 25 factors under 18 U.S.C. § 3553(a) in order to determine whether a variance may be
 warranted for the Defendant.
 - 26 3. Defense counsel has spoken to LAMALSKIYOU LOWE who is currently in custody
 27 and he has no objection to the continuance.
- 28

4. Defense counsel has spoken to Assistant United States Attorney, LISA CARTIER-GIROUX, and the Government has no objection to the continuance.
5. The parties request that LAMALSKIOW LOWE's sentencing date be reset for a time at least thirty (30) days from May 18, 2015.
6. The additional time requested herein is not sought for the purposes of delay.
7. Denial of this request for a continuance would deny the defendant, LAMALSKIOW LOWE, effective assistance of counsel during sentencing.
8. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

This is the first stipulation to continue sentencing filed herein.

DATED: May 12, 2015

Respectfully submitted,

/s/ Lucas Gaffney
LUCAS J. GAFFNEY, ESQ.
Oronoz & Ericsson, LLC
700 South Third Street
Las Vegas, Nevada, 89101
Attorney for Lamalskiou Lowe

/s/ Lisa Cartier-Giroux
LISA CARTIER-GIROUX
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada, 89101
Attorney for the United States of America

LUCAS J. GAFFNEY, ESQ.
 Nevada Bar No. 12373
 ORONOZ & ERICSSON, LLC
 700 South Third Street
 Las Vegas, Nevada 89101
 Telephone: (702) 878-2889
 Facsimile: (702) 522-1542
 luke@oronozlawyers.com
Attorney for Lamalskiou Lowe

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

 Plaintiff,

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 LAMALSKIYOU LOWE,

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CASE NO.: 2:14-cr-0004-JAD-VCF

**STIPULATION TO CONTINUE
 SENTENCING**

(FIRST REQUEST)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The additional time requested by this Stipulation to Continue Sentencing Hearing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed in this rule.”
2. Defense counsel needs additional time to gather information pertinent to sentencing factors under 18 U.S.C. § 3553(a) in order to determine whether a variance may be warranted for the Defendant.
3. Defense counsel has spoken to LAMALSKIYOU LOWE who is currently in custody and he has no objection to the continuance.
4. Defense counsel has spoken to Assistant United States Attorney, LISA CARTIER-GIROUX, and the Government has no objection to the continuance.
5. The parties request that LAMALSKIYOU LOWE’s sentencing date be reset for a time at least thirty (30) days from May 18, 2015.

6. The additional time requested herein is not sought for the purposes of delay.
7. Denial of this request for a continuance would deny the defendant, LAMALSKIOU LOWE, effective assistance of counsel during sentencing.
8. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

This is the first stipulation to continue sentencing filed herein.

CONCLUSION OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public and the defense in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence.

ORDER

IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for May 18, 2015, be vacated and continued to Wednesday, June 24, 2015, at 9:00 a.m.

DATED AND DONE this 12th day of May, 2015.


UNITED STATES DISTRICT JUDGE